

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1727

IN THE MATTER OF:

Served July 29, 1977

Order to Show Cause Directed to)
RESTON COMMUTER BUS, INC.) Docket No. 384

By Order No. 1715, served June 23, 1977, the Commission, inter alia, directed respondent Reston Commuter Bus, Inc. (RCB), to show cause, if any there be, why it should not be directed to cease and desist from continuing to conduct charter operations between Reston, Va., on the one hand, and, on the other, specified points in Montgomery County, Md., in apparent violation of Title II, Article XII, §4(a) of the Compact.

On July 27, 1977, RCB filed a motion to dismiss the "show cause" proceeding. In support of this motion RCB contends (a) that the Commission lacks statutory authority to institute the proceeding, (b) that RCB has not been notified of any complaint filed against it with the Commission, (c) that no facts are set forth warranting the Commission's action, and (d) that the Commission has not made any initial finding of jurisdiction over RCB.

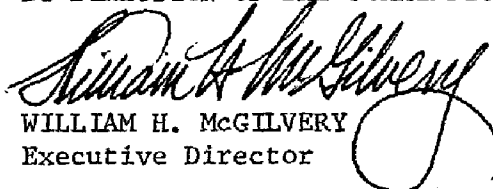
RCB's first two arguments must be rejected. The Compact, Title II, Article XII, §13(b) states in pertinent part that "[t]he Commission may investigate any facts, conditions, practices or matters which it may find necessary or proper in order to determine whether any person has violated any provision of this Act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Act. . . ." The Commission, therefore, has the requisite statutory authority to commence the show cause proceeding herein. Moreover, under Title II, Article XII, Section 13(b) of the Compact the Commission may institute a proceeding such as the one herein on its own without the necessity of filing a complaint.

RCB argues that no facts are set forth warranting action on the Commission's part. In its petition for temporary authority, however, RCB stated: "The Reston Commuter Bus Service, Inc., has been providing the subscription shuttle service between Reston, Va., and Montgomery County, Md., since February, 1974." RCB has no authority from this Commission to provide transportation service within the Metropolitan District. Accordingly, these facts set out in RCB's own pleading and recited in Order No. 1715 warrant the institution of investigation.

Finally, RCB argues that the Commission has not made any initial finding of jurisdiction over the respondent. Order No. 1715 constitutes an initial finding of jurisdiction herein in accordance with Title II, Article XII, Sections 1(a) and 2(c) of the Compact.

THEREFORE, IT IS ORDERED that the above-referenced Motion of Reston Commuter Bus, Inc., be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVER
Executive Director